



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/945,524	09/04/2001	Martin Robitaille	4	2677

7590 09/11/2003

Martin Robitaille  
100, rue de Naples  
St-Augustin-de-Desmaures, QC G3A 2Y2  
CANADA

EXAMINER

KOCH, GEORGE R

ART UNIT

PAPER NUMBER

1734

DATE MAILED: 09/11/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

AIR MAIL

# Office Action Summary

Application No.

09/945,524

Applicant(s)

ROBITAILLE ET AL.

Examiner

George R. Koch III

Art Unit

1734

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☒ Claim(s) 1-18 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 9/4/01 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☒ None of:  
1. ☒ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_ 6) ☐ Other:

## **DETAILED ACTION**

### ***General***

1. An examination of this application reveals that applicant is unfamiliar with patent prosecution procedure. While an inventor may prosecute the application, lack of skill in this field usually acts as a liability in affording the maximum protection for the invention disclosed. Applicant is advised to secure the services of a registered patent attorney or agent to prosecute the application, since the value of a patent is largely dependent upon skilled preparation and prosecution. The Office cannot aid in selecting an attorney or agent.

Applicant is advised of the availability of the publication "Attorneys and Agents Registered to Practice Before the U.S. Patent and Trademark Office." This publication is for sale by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

### ***Drawings***

2. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference sign(s) not mentioned in the description:

- a. In Figure 1, reference number 35.
- b. In Figure 2, reference numbers 35 and 50.
- c. In Figure 3, reference numbers 35 and 50.
- d. In Figure 4, reference numbers 37, 38, 39, 41 and 42.

Art Unit: 1734

- e. In Figure 5, reference numbers 35, 50, 51, and 52.

A proposed drawing correction, corrected drawings, or amendment to the specification to add the reference sign(s) in the description, are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

3. It is strongly recommended that the applicant review all the drawings to ensure their accuracy with regard reference numbers.

### ***Specification***

4. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

5. The abstract of the disclosure is objected to being less than 50 words.

Furthermore, there is no mention of the locking structures, especially with regard to the lead screw. Correction is required. See MPEP § 608.01(b).

### ***Claim Objections***

Art Unit: 1734

6. Claims 1-18 are objected to because of the following informalities:

f. In claim 1, line 4, the word "a" should be inserted before "locking assembly".

g. In claim 1, line 6, the word "a" should be inserted before "guide rail means".

h. In claim 1, line 7, the word "a" should be inserted before "locking assembly means". Alternatively, if "locking assembly" was intended (see rejections under 35 USC 112 below), then "the" or "said" should be inserted.

i. In claim 1, line 11-12, the word "a" should be inserted before "means for releasing said locking means".

j. In claim 1, lines 11-14 the phrase reads "means for releasing said locking means and for locking said locking assembly to said lead screw by stopping the rotation of the free nut on the said lead screw is rotating means for movement therewith along said frame and guide rail means". It appears that this phrase is missing appropriate punctuation. This phrase has been examined as if a comma was intended in between the words "rotating" and "means" in claim 1, line 14.

k. In claim 1, line 14, the word "a" should be inserted before "measuring".

l. In general to all claims, the word "a" should be inserted before the first instance of an element, and the words "the" or "said" should be inserted before subsequent instances of an element.

m. In claim 1, line 4, the word "characterised" should be spelled "characterized".

Appropriate correction is required.

***Claim Rejections - 35 USC § 112***

7. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

8. Claims 1-18 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

9. It is unclear in claim 1 whether the repeated recitations of "locking assembly" (for example, claim 1, line 4, again at lines 5, 9, 11, and 12) refers to the same elements as "locking assembly means" (see claim 1, line 7). Are these the same structure or different structures? For the purposes of examination, these two recitations have been treated as the same structure.

10. Furthermore, it is not clear whether applicant even intended to recite a "locking assembly means", as the entire phrase in lines 7-8 call for "locking assembly means for supporting a guide arm having said guide pulleys for dispensing a said ribbon".

11. It is unclear in claims 1-18 whether each and every of the repeated recitations of a "lead screw" (for example, claim 1, line 4, again in claim 10, line 2) refers to the same elements as "lead screw means" (see claim 3, line 2, again in claim 4, line 4, again in

Art Unit: 1734

claim 12, lines 3, again in claim 13, line 4, again in claim 16, line 4). Are these the same structure or different structures? For the purposes of examination, these different recitations have been treated as the same structure.

12. It is unclear claim 1 whether each and every recitation of a moving "web" (as recited, for example, in claim 1, line 2) refers to the same elements as "web means" as recited claim 1, line 18. Are these the same structure or different structures? For the purposes of examination, these different recitations have been treated as the same structure.

13. Furthermore, it is not clear in the claims (such as claims 1, 4, 14 and 16) what the difference between a "rail means" (as recited, for example, in claim 4, line 2) and "guide rail means" (as recited claim 14, line 3). Are these the same structure or different structures? For the purposes of examination, these different recitations have been treated as the same structure.

14. It is unclear in claims 1-18 whether each and every of the repeated recitations of a "releasable locking means" (for example, first used in claim 1, line 10) refers to the same or different elements as "means for releasing said locking means" (first used claim 1, lines 11-12). Are these the same structure or different structures? It appears that the releasable locking means is the structure related to the rubber bumper 63 and pneumatic cylinder 62 as seen in figure 5, while the means for releasing said locking

Art Unit: 1734

means is related to the structures around bumper 56 and pneumatic cylinder 55 in Figure 5. For the purposes of examination, these different recitations have been treated as different structures. It is suggested these structures be more differentiated in the language (perhaps by using "first" and "second").

***Allowable Subject Matter***

15. Claims 1-22 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action.

16. The following is a statement of reasons for the indication of allowable subject matter: The instant application is deemed to be directed to a non-obvious improvement over the invention patented in U.S. Patent 5,759,339 to Hartman. Hartman does disclose many of the concepts claimed, including the apparatus for positioning a dispenser for laminating an endless ribbon in relationship to a moving web, with a frame, guide pulley, guide rail means, locking assembly means, guide arms, releasable locking means and that the apparatus extends beyond the edge of the web to . However, Hartman does not disclose the improvements of using a locking assembly comprising a free nut on a lead screw, or a measuring system positioned near the edge of the web for detecting the edge of the web, the measuring system assuring that the guide arms are maintaining their relative position to the edge of the web.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to George R. Koch III whose telephone number is (703)



Art Unit: 1734

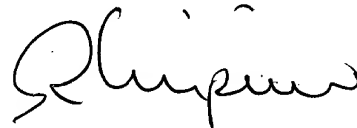
305-3435 (TDD only). If the applicant cannot make a direct TDD-to-TDD call, the applicant can communicate by calling the Federal Relay Service at 1-800-877-8339 and giving the operator the above TDD number. The examiner can normally be reached on M-Th 10-7.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Crispino can be reached on (703) 308-3853. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0661.



George R. Koch III  
September 8<sup>th</sup>, 2003



RICHARD CRISPINO  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 1700